

Item 5: Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

**The Human Rights Council – 12th session Statement by the
Delegation of the United States of America Delivered by Courtney
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Geneva, 28 September 2009

Thank you, Mr. President.

The United States welcomes the Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, for its insightful analysis of the overlapping mandates of the indigenous mechanisms in the United Nations system. My delegation joins others in applauding the initiative of all mechanisms to join in an informal dialogue to enhance coordination and cooperation and avoid duplication. Awareness-building of the key differences among the mandates, particularly the unique role of the Special Rapporteur will hopefully reduce the frustration of misdirected requests for assistance or attention to possible human rights violations. The United States is encouraged by the Special Rapporteur's efforts to further develop communication with the Permanent Forum and the Expert Mechanism so as to maximize the participation of indigenous groups in attendance at each event. While the Special Rapporteur remains focused principally upon specific cases of alleged human rights violations, the United States appreciates the Special Rapporteur's continued contributions to the thematic studies of the Permanent Forum and the Expert Mechanism. The United States remains interested in learning more about the models the Special Rapporteur is developing collaboratively to promote positive policy outcomes for relevant stakeholders.

We congratulate the Special Rapporteur for drawing attention to the fact that a lack of adequate consultation with indigenous peoples has in some countries led to anger and mistrust, which has spiraled into violence. We appreciate his pragmatic approach in suggesting that the character of consultation procedures and their object are shaped by the specific situation. My government agrees with the importance of adequate consultation to the effective implementation of government programs intended to improve the lives of all citizens, including indigenous peoples. The United States strongly supports the special rapporteur's advice to states that consultation does not accord "indigenous peoples a general "veto power" over decisions that may affect them, but rather establishes consent as the general objective of consultations with indigenous peoples." In the United States we have solicited tribal government views on how to improve the government-to-government relationship and consultation process relative to federal decision-making. It is essential to build confidence among all parties for the best public policies to emerge; the consultation process when properly carried out contributes to confidence building and the formulation of effective policy.

Thank you, Mr. President.